THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.26039 of 2005

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DATED 07.12.2005

Between:

Smt. Neelam Prasad.

..... PETITIONER

AND

The Govt. of A.P. rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

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O R D E R:

The petitioner purchased plot No.143 in Sy.No.74/9 under a registered sale deed dated 28.08.1993 from Sri Ravi Kumar. The petitioner alleges that respondents 2 to 4 are trying to dispossess from the said property. Therefore, the petitioner filed the present writ petition seeking a direction to the respondents not to dispossess her without following due process of law.

After getting instructions in the matter, at the stage of admission itself, the learned Assistant Government Pleader for Revenue(General) submits that Survey No.74 is registered in the revenue records as the Government land and therefore, the Government of A.P. represented by the Mandal Revenue Officer, Marredpally has filed a case being L.G.C.No.167 of 1997 before the Special Court under A.P.Land Grabbing (Prohibition) Act, 1982 and the same is pending. The learned A.G.P. also produced before this Court a copy of the order dated 08.12.1998 in I.A.Nos.1405 to 1408 of 1998 in L.G.C.No.167 of 1997, wherein the learned Special Court restrained the Mandal Revenue officer, Marredpally as well as the persons, who are in possession of the land, from making any further construction in the land comprised in Survey No.74/9. In all these applications, the vendor of the petitioner is arrayed as respondent No.4.

The learned counsel for the petitioner submits that the petitioner purchased the plot in August, 1993 and therefore, any order passed against the petitioner's vendor subsequent thereto would not bind on the petitioner. This is, however, refuted by the learned A.G.P., who contends that the orders of injunction passed by the Special Court bind the petitioner, who purchased the property from Mr. Ravi kumar.

Admittedly, the petitioner herein is not made as a party to L.G.C.No.167 of 1997 though their vendor is a party. Therefore, unless and until a specific prohibitory order is obtained against the petitioner or necessary clarification from the Special Court is sought with regard to the order dated 08.12.1998 passed in I.A.Nos.1405 to 1408 of 1998, the Mandal Revenue Officer could not have resorted to any coercive action against the petitioner as alleged. If this question is decided herein, it might result in multiplicity of proceedings and therefore, this Court is not inclined to exercise its discretionary power under Article 226 of Constitution of India.

Accordingly, the writ petition is disposed of in the following manner. The Mandal Revenue Officer, Maredpally shall file application before the Special Court for impleading the petitioner in L.G.C.No.167 of 1997 within a period of four weeks from the date of receipt of a copy of this order and obtain appropriate orders against the petitioner. Till then, the Mandal Revenue Officer shall not in any manner disturb the possession of the petitioner. Further, in view of the orders

of injunction granted by the Special Court on 08.12.1998, as referred to herein above, it would be appropriate to direct *status quo* as on today with regard to possession.

The writ petition is accordingly disposed of. No order as to costs.

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07.12.2005

usd